

IN THE SUPREME COURT
OF FLORIDA

**INQUIRY CONCERNING A JUDGE
NOS. 99-10 & 00-17**

RE: MATTHEW E. MCMILLAN

CASE NOS. 95,886 & 00-703

MOTION TO TAX COSTS

_____The Investigative Panel of the Florida Judicial Qualifications Commission, by and through its undersigned counsel, hereby moves the Hearing Panel of the Florida Judicial Qualifications Commission for the entry of a Report and Recommendation to the Supreme Court of Florida that costs be taxed against the Respondent in the amount of \$14,612.16, and

As grounds therefore says:

1. The opinion of the Supreme Court dated August 16, 2001, provides in part (p. 26), “We direct that McMillan pay the cost of these proceedings. See *In re Hapner*, 737 So. 2d 1075, 1077 (Fla. 1999). We remand this case to the JQC for a determination of the amount of such costs.”
2. The *Hapner* case and Rule 2.140(c) of the Florida Rules of Judicial Administration, provide that per diem fees, deposition costs and costs associated with the preparation of the transcript and record and witness expenses are taxable costs in these proceedings.
3. Attached hereto and made a part hereof is an affidavit of Ms. Brooke Kennerly, Executive Director of the Florida Judicial Qualifications Commission, verifying that during the course of this proceeding, it has paid out the following:

a. Deposition transcript and per diem costs	\$5,798.90
b. Costs associated with the preparation of the trial transcript and record	\$41.75
c. Preliminary hearing transcript and per diem costs	\$2,892.89
d. Trial costs	\$5,281.27
TOTAL:	<u>\$14,014.81</u>

4. Copies of receipts or invoices relative to all such charges are attached to Ms. Kennerly's affidavit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Tax Costs** has been furnished by U.S. Mail to **THE HONORABLE MATTHEW E. MCMILLAN**, 3311 46th Plaza East, Bradenton, FL 34203; **ARNOLD D. LEVINE, ESQ.**, Levine, Hirsch, Segall & Brennan, P.A., 100 S. Ashley Dr., Suite 1600, Tampa, FL 33602; and **SCOTT K. TOZIAN, ESQ.**, Smith and Tozian, P.A., 109 N. Brush St., Suite 150, Tampa, FL 33602, this ____ day of _____, 2001.

Attorney